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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,961

Applicant(s)

NESAMONEY ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on March 3, 2004 has been received and entered. Claims 1-3, 5-13, 15-23, 25-30 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liddy et al. (U. S. Patent No. 6,026,388) in view of Papierniak et al. (U.S. Patent No. 6,151,601) and further in view of Shah et al. (U.S. Pub. No. 2002/0035565 A1).

As to claims 1, 11, and 21, Liddy et al. discloses a method for facilitating access to information defined by an analytic application, a computer system comprising:

a bus (See figure 1, 32, bus, see column 6, lines 62-67);

a memory unit (See figure 1, 35, program and data storage, also see column 6, lines 27-35) coupled to said bus (See figure 1, 32, bus, also see column 5, lines 56-65); and

a processor (See figure 1, 30, processor) coupled to said bus (See figure 1, 32, bus, also see column 5, lines 56-65), said processor (See column 5, lines 56-65) for executing a method for facilitating access to information defined by an analytic application (See column 3, lines 63-

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67, and column 4, lines 1-14, wherein “analytic application” reads on “analytic information, cause/effect, dimension, prediction...” said method comprising the steps of:

receiving operational data from a data source (See column 5, lines 41-55, wherein “data source” reads on “database”).

Libby et al. does not teach:

generating metrics from said operational data using said analytic application;

storing said metrics in a repository coupled to said computer system;

sending said instance of said metrics to said user.

using a wireless device;

said selection communicated along a path comprising, in order, said wireless device, a wireless gateway the enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is couples to said repository;

along said path to said wireless device.

Papierniak et al. teaches:

generating metrics from said operational data (See column 14, lines 1-9, wherein “operational data” reads on “every aspect of business”) using said analytic application (See column 9, lines 46-67, wherein “analytics application” reads on “modularize... functionality that makes sense”);

storing said metrics in a repository (See column 14, lines 41-55) coupled to said computer system (See column 11, lines 1-52, shows computer system with storage devices that are capable of storing any set of analytical data);

sending said instance of said metrics to said user (See column 14, lines 56-61, wherein “instance of said metrics” reads on “data”);

using a wireless device (See figure 3, 6, shows “wireless device” represented by “laptop”);

said selection communicated along a path comprising, in order, said wireless device, a wireless gateway the enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is couples to said repository (See column 11, lines 1-67, and see column 12, lines 1-67, and see column 15, lines 2-25, wherein the well known method of accessing Internet based information from a wireless device e.g. laptop or PDA or any device capable of being a computer readable medium is taught in Papierniak et al. and how the device accesses and retrieves data from the Internet is also disclosed);

along said path to said wireless device (See figure 3, 6, shows “wireless device” represented by “laptop”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. to include generating metrics from said operational data using said analytic application; storing said metrics in a repository coupled to said computer system; sending said instance of said metrics to said user; using a wireless device; said selection communicated along a path comprising, in order, said wireless device, a wireless gateway the enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is couples to said repository; along said path to said wireless device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. by the teaching of Papierniak et al. to include generating metrics of operational data using said analytic application; storing said metrics in a repository coupled to said computer system; sending said instance of said metrics to said user; using a wireless device; said selection communicated along a path comprising, in order, said wireless device, a wireless gateway the enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is couples to said repository; along said path to said wireless device because it provides the search engines less processing power for organizing and searching a structured database and allows the user faster control and access of the query search results. It also allows for accommodation of scalable data warehouse to provide Internet marketing decisions support (See Papierniak et al. column 2, lines 28-54).

Liddy et al. as modified still does not teach organizing a selected subset of said metrics in a hierarchical organization navigable by a user; receiving from a user a first selection identifying an instance of said selected subset of metrics.

Shah et al. teaches organizing a selected subset of said metrics in a hierarchical organization navigable by a user (See page 7, claim 6 language, also see page 2, paragraphs 0028-0029);

receiving from a user a first selection identifying an instance of said selected subset of metrics (See page 2, paragraph 0035, also see page 6, paragraph 0090).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. to include organizing a selected subset of said

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metrics in a hierarchical organization navigable by a user; receiving from a user a first selection identifying an instance of said selected subset of metrics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Libby et al. as modified by the teaching of Shah et al. to include organizing a selected subset of said metrics in a hierarchical organization navigable by a user; receiving from a user a first selection identifying an instance of said selected subset of metrics because it allows for ease of data retrieval and presentation (See Shah et al. page 1, paragraph 0007).

As to claims 2, 12, and 22, Libby et al. as modified disclose wherein said hierarchical organization is user-specific (See Shah et al. page 1, paragraph 0008, also see Shah et al. page 6, paragraphs 0085-0087, also see Libby et al. column 9, lines 51-67, and column 10, lines 1-22); wherein said user selects specific metrics and wherein metrics selected by said user are included in a taxonomy created by said user and retained for subsequent access by said user (See Papierniak et al. column 20, lines 15-47, also see Shah et al. page 5, paragraphs 0071-0074, and see Shah et al. page 6, paragraphs 0090-0091, when user accesses metric calculations stored in the repository the first time, the user is certainly able to subsequently access the same data or different combination using the same data in the future).

As to claims 3, 13, and 23, Libby et al. as modified discloses wherein said hierarchical organization is linked to another hierarchical organization (See Shah et al. page 6, paragraphs 0087-0090, also see Libby et al. column 25, lines 14-29).

As to claims 4, 14, and 24, Libby et al. does not teach wherein said instance of said metrics is sent to a wireless device.

Papiernaik et al. teaches wherein said instance of said metrics is sent to a wireless device (See column 12, lines 5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. to include wherein said instance of said metrics is sent to a wireless device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. by the teaching of Papiernaik et al. to include wherein said instance of said metrics is sent to a wireless device because wireless connections are ubiquitous, allowing for reduction in costs by timely access to information and increase in availability.

As to claims 5, 15, and 25, Libby et al. as modified discloses further comprising: receiving registration information from a user, said registration information specifying an approach for delivery of data (See figure 8, 280f, shows “specifying an approach” being represented by “Username” indicating customization and user centric approach, 280g, shows “registration” represented by “sign-in”, also see column 28, lines 45-57).

As to claims 6, 16, and 26, Libby et al. as modified discloses wherein said approach is characterized as a data pull approach wherein said sending is performed in response to an

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initiating request from said user (See abstract, wherein “initiating request from said user “ reads on “user enters the query”, and wherein “data pull approach” reads on “the system processes the query to generate an alternative representation...displays query information to user”).

As to claim 7, 17, and 27, Libby et al. as modified discloses wherein said approach is characterized as a data push approach wherein said sending is performed automatically in response to a predefined requirement being met (See column 26, lines 14-39, wherein “data push approach” reads on “Informed Query Vector”, and wherein “predefined” reads on “cut-off criterion produced by the initial query”, also see column 10, lines 24-30, wherein “predefined” reads on “pre-determined”).

As to claims 8, 18, and 28, Libby et al. as modified discloses wherein said generating is performed on a periodic basis at predetermined intervals (See Papierniak et al. column 15, lines 31-43, wherein “predetermined intervals” reads on “defined period of time”).

As to claims 9, 19, and 29, Libby et al. as modified discloses wherein said generating is performed in response to an initiating request from a user (See Papierniak et al. column 28, lines 46-53, wherein “initiating request from user” reads on “user preferences”, also see Papierniak et al. column 20, lines 30-54, and see Papierniak et al. column 24, lines 51-65).

As to claims 10, 20, and 30, Libby et al. as modified discloses wherein said generating is performed automatically as an instance of data used for generating a particular metric is updated

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(See column 8, lines 41-47, wherein “automatically” reads on “MLM Module” and wherein “instance of data” reads on “query results”, also see Papierniak et al. column 10, lines 50-55, wherein “automatically” reads on “proactive” and wherein “instance of data usedmetric” reads on “feedback...bill-back...usage information”).

Response to Arguments

4. Applicant's arguments filed on March 3, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the cited art does not teach the newly added limitations of “using a wireless device; said selection communicated along a path comprising, in order, said wireless device, a wireless gateway the enables communication between said wireless device and the Internet, the Internet, and a server identified by a Uniform Resource Locator, wherein said server is couples to said repository; along said path to said wireless device” is respectfully acknowledged but is not deemed to be persuasive.

The Examiner in the above rejection has addressed the newly added limitations in independent claims 1, 11, and 21.

The Examiner respectfully points to Papierniak et al. column 11, lines 1-67, and column 12, lines 1-67, and column 5, lines 2-25, wherein Common Gateway Interface is taught with regards to data access form a web-browser on a wireless device (See Papierniak et al. figure 3, 6, shows “wireless device” represented by “laptop”).

It is well known in the database art that wireless access is accomplished using an interface to access data stored on a server on the Internet using web browser installed on a wireless device e.g. PDA by accessing (e.g. pointing, inserting, selecting, clicking) on a URL.

The WAP gateway is the intermediary between the mobile network and the Internet. The wireless device sends Web page requests to the gateway. The gateway converts that request into an HTTP request. When the page is returned, the gateway translates the HTTP request back into a WAP request and forwards the information to the mobile network. For example, WAPMail is an email interface for mobile phones and other small hand held devices which use the wireless application protocol (wap). These devices access web pages and other internet content using the wireless markup language (wml) and a wml/wap gateway. WAPMail is a cgi which runs on any standard webserver and interacts with wap devices using wml. See <http://www.netwinsite.com/wapmail/index.htm>.

In response to applicant's argument that the cited art does not teach the newly added limitations of "wherein said user selects specific metrics and wherein metrics selected by said user are included in a taxonomy created by said user and retained for subsequent access by said user" is respectfully acknowledged but is not deemed to be persuasive.

The Examiner in the above rejection has addressed the newly added limitations in independent claims 2, 12, and 22.

In response to applicant's argument that "Shah et al., alone or in combination with Papierniak and Libby et al., does not show or suggest the limitation "wherein said hierarchical organization is user-specific" is respectfully acknowledged but it is not deemed to be persuasive.

The Examiner respectfully refers back to the rejection of the claims stating that indeed Shah et al. by disclosing restriction created by a user of the system intended to allow (allocate) hierarchical access “drilling” of the metrics specific to each user of the system is indeed broadly interpreted to read on the limitation that the user of the system is manually influencing the selections of the metrics instead of the processor and hence the metrics are user-specific.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
May 16, 2004


CHARLES RONES
PRIMARY EXAMINER